



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Grand Staircase-Escalante National Monument

669 South Highway 89A

Kanab, UT 84741

<http://www.ut.blm.gov/monument>



In Reply Refer To:  
3809 (UT-030)  
UTU-67098

RECEIVED

MAR 29 2012

DIV. OF OIL, GAS & MINING

March 26, 2012

CERTIFIED MAIL 7007 3020 0002 3801 8133  
RETURN RECEIPT REQUESTED

## DECISION

Operator: Paul L. Lamoreau  
Alpine Gems and Minerals  
P.O. Box 610  
Parowan, UT 84761

Plan: UTU-67098  
Name: Butler Valley Quarries

## Order to Reclaim

Plan of operations UTU-67098 was originally approved on June 30, 1986, by the Bureau of Land Management (BLM) Kanab Field Office. The plan of operations involved commercial mining operations for sculpting-grade alabaster. The mining activity occupied portions of the Berry Patch #3 and #4 (UMC 276140 and 276141, respectively) and Red Ace #1 (UMC-361375) unpatented mining claims. Two administrative actions have affected your rights to continue mining operations on these mining claims and under this previously approved plan of operations.

The first administrative action was on September 18, 1996, when the Grand Staircase – Escalante National Monument was established through Presidential Proclamation. As a result of this proclamation, the public lands encompassed by the mining claims associated with the plan of operations UTU-67098 were withdrawn from further entry under the mining laws. In effect, no new mining claims can be located within the Grand Staircase – Escalante National Monument.

The second administrative action was on December 6, 2007, when a decision issued by the Utah BLM State Office, declared the Berry Patch #3 & #4 and Red Ace #1 mining claims forfeited for failure to pay the claim maintenance fee or to file a Maintenance Fee Payment Waiver

Certification on or before September 1, 2007, for the 2008 assessment year. The claimants appealed the decision to the Interior Board of Land Appeals, but the decision by BLM that the claims were null and void was affirmed (IBLA 2008-70, March 17, 2008). No further appeals were taken by the mining claimants. Since the public lands within the monument are withdrawn from the mining laws and the mining claims associated with plan of operations UTU-67098 are null and void, the only authorized activity is reclamation of the outstanding reclamation obligation associated with the plan of operations.

Informal efforts by BLM officials since 2008 to obtain the necessary reclamation on the plan disturbances have yet to achieve the desired site reclamation. Accordingly, ***this decision orders the following:***

- 1. Earthwork reclamation of the plan disturbances must be completed, according to the approved reclamation plan and to the satisfaction of the authorized officer, no later than September 30, 2012.***
- 2. Seeding of all reclaimed areas with a BLM approved seed mix must be carried out to the satisfaction of the authorized officer no later than October 31, 2012.***

***BLM inspections will occur during reclamation activities. Contact Jack Norman, BLM inspector, 48 hours prior to commencing work to review the reclamation plan. His telephone number is 435-644-1233.***

***Should you fail to commence reclamation activities within the specified timeframes, the BLM may initiate forfeiture of all or part of your financial guarantee as provided for under 43 CFR 3809.424 and 3809.595. If the available bond monies do not cover the total contract and administrative costs incurred in reclaiming the plan disturbances, you will be billed for any remaining costs. You may also be subject to enforcement actions under 43 CFR 3809.601.***

If you are adversely affected by this decision, you may request that the Utah BLM State Director review this decision. If you request a State Director Review, the request must be received in the Utah BLM State Office at P.O. Box 45155-0155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at Grand Staircase-Escalante National Monument, 669 South Hwy 89A, Kanab, UT 84741 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at Grand Staircase-Escalante National Monument, 669 South Hwy 89A, Kanab, UT 84741 within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rene Berkhoudt", is written over a horizontal line.

Rene Berkhoudt  
Monument Manager

Enclosure:  
Form 1842-1

cc: Peter Brinton, DOGM (UDOGM file S/025/0016, Butler Valley Quarries)  
Opie Abeyta, BLM Utah State Office  
Ben Lamoreaux, 530 Casa Loma Ln, Cedar City, UT 84720



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF  
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

WITH COPY TO  
SOLICITOR...

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO  
SOLICITOR.....

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

#### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

---

(Form 1842-1, September 2006)